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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN VANDGINDEREN,  
Plaintiff,  
v.  
CORNELL UNIVERSITY,  
Defendant

Case No. 07-CV-2045-BTM-JMA  
Hon. Barry T. Moskowitz  
**DECLARATION OF ANNE RICHARDSON KENNEY IN SUPPORT OF DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT PURSUANT TO SECTION 425.16 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE**

[Per chambers, no oral argument unless requested by the Court]

[Special Motion to Strike and Request for Judicial Notice filed concurrently]

Hearing Date: December 21, 2007  
Time: 11:00 a.m.  
Place: Courtroom 15

Action Filed: October 1, 2007

**DECLARATION OF ANNE RICHARDSON KENNEY**

I, Anne Richardson Kenney, declare as follows:

1. I am the Interim University Librarian at Cornell University in Ithaca, New York, and I have held this position since February 2007. I have been employed by Cornell University for the past twenty years in various library capacities. Unless otherwise indicated, I have personal knowledge of the facts set forth herein through my employment at Cornell University. If called as a witness, I could and would testify competently to the following.

9        2. The mission of the Cornell University Library (“CUL”) is to enrich the  
10 intellectual life of the University. CUL fulfills this mission in part by providing a  
11 stable and reliable knowledge base, organizing information into meaningful and  
12 manageable forms, making available well-equipped and functional work places on  
13 campus, and serving as a major cultural repository. Preservation of information  
14 resources is integral to CUL’s mission.

15        3. With the advent of the Internet, and the availability of digitization as a  
16 means to archive material previously available only in paper form, CUL has  
17 engaged in multiple long-term projects to digitize information resources in its  
18 collection. Many of these digital materials are stored in CUL's institutional  
19 repository, known as eCommons.

20        4. One of the specific resources being digitized is a weekly University  
21 publication called the *Cornell Chronicle*. Paper copies of the *Cornell Chronicle* are  
22 maintained in CUL, where they have been maintained for years, and they are  
23 accessible to library patrons who are physically present on campus. The *Cornell*  
24 *Chronicle* has also been microfilmed, and is available to anyone who has access to a  
25 library that participates in the interlibrary loan system. Digitized copies of the  
26 *Cornell Chronicle* are accessible to anyone who has computer access to CUL's  
27 eCommons.

1       5. I have examined the online image of the March 17, 1983 *Cornell*  
2 *Chronicle* cited in the Complaint in this matter, which is accessible at,  
3 [http://ecommons.library.cornell.edu/bitstream/1813/5350/14/014\\_24.pdf](http://ecommons.library.cornell.edu/bitstream/1813/5350/14/014_24.pdf), and a true  
4 printout of which is attached as Exhibit B to the Request for Judicial Notice. The  
5 online image and Exhibit B are authentic copies of the paper version maintained in  
6 the CUL. Indeed, the online image is simply a digital picture of the physical  
7 newspaper, as one can see from the edges of the newspaper visible in the online  
8 image as well as the printout of that online image, Exhibit B.

9 I declare under penalty of perjury under the laws of the State of California  
10 and the United States of America that the foregoing is true and correct and that this  
11 declaration was executed this 29th day of October, 2007, at Ithaca, New York.

Anne Richardson Kenney  
Anne Richardson Kenney